

**DISTRICT V ADVISORY BOARD
AGENDA**

**January 5, 2004
7:00 p.m.**

**Auburn Hills Golf Course Clubhouse
355 S. 135th West**

ORDER OF BUSINESS

Call to Order

Approval of Minutes for December 1, 2003

Approval of Agenda for January 5, 2004

Public Agenda

- 1. Scheduled items**
- 2. Off-agenda items**

Recommendation: Provide comments/take appropriate action.

Staff Presentations

3. Community Police Report

Community Police Officers for District V will report on specific concerns for beat areas.

Recommended Action: Receive and file

4. Portable Storage Containers

Randy Sparkman, Central Inspection, will present proposed changes to the ordinance regulating use of the storage containers by business.

Recommended Action: Recommend approval of the proposed revision.

5. Capital Improvement Program (CIP)

City Staff will present the proposed program for CIP projects for 2004-2013 for public review and comment

Recommended Action: Provide comment & recommend approval by City Council.

6. Police Department Professional Standards Bureau

Chief Norman Williams and Lt. Michael Allred will present information and updates on the Department's Professional Standards Bureau including statistical data on complaints as well as address questions or concerns about the complaint process.

Recommended Action: Provide comment.

Planning Agenda

7. CON2003-48 (Associated with ZON2003-55)

Dale Miller, Planning Department, will present a request to change current zoning of "SF-5" Single Family Residential to "CU" Conditional Use for intended use of community assembly. Subject property is located on south side of 13th Street, ¼ mile east of Ridge Road.

Recommended Action: Recommend approval with conditions.

8. ZON2003-00059

Bill Longnecker, Planning Department, will present a request to change current zoning of "SF-5" Single Family Residential to "NR" Neighborhood Retail. The subject property is located east of 135th Street West on the south side of Maple.

Recommended Action: Recommend approval with conditions.

Board Agenda

9. Updates, Issues, and Reports

Report on any activities, events, or concerns in the neighborhoods and/or District V.

Council Member Martz

- Issues/updates

DAB Members

- Other concerns/issues/updates

Recommended Action: Address each item, as appropriate.

Next Meeting

The next meeting for District Advisory Board V is scheduled on **February 2, 2004** at Auburn Hills Clubhouse at 7:00 p.m.

Adjournment

**City of Wichita
District V Advisory Board Meeting
January 5, 2004**

TO: City Council Member
District Advisory Board Members

SUBJECT: Portable Storage Containers – Requested Amendments to Unified Zoning Code & Possible Licensing of Portable Storage Container Companies

INITIATED BY: City Manager’s Office/Office of Central Inspection

AGENDA: Staff Presentations

Recommendations: Provide public and DAB comment.

Background: In mid 2001, after review and input was received from District Advisory Boards, the MAPC and the public, the City Council added new regulations to the Wichita-Sedgwick County Unified Zoning Code (UZC) regarding the use of outdoor portable storage containers (PSCs). Due to the expanding use of such containers in the late 1990’s, primarily in retail locations, the City began receiving complaints from citizens and neighborhood associations about their use. Common complaints were about the following:

- The aesthetic appearance of these PSCs. Many containers were not well maintained or were painted vivid colors that did not blend with the buildings they served, and most were not located behind any type of screening fences, walls or landscaping. In some retail locations, PSCs numbered in the dozens and even up to about 100 units.
- Blowing trash and debris from the PSCs, many of which were located close to rear or side property lines near residential areas, and most of which were not located within an enclosed or fenced area.
- Noise generated from loading and unloading of PSCs, many of which were located fairly close to residential areas at rear property lines.
- Storage of containers on required parking stalls and/or on required fire and service lanes.

The 2001 UZC amendments set forth specific requirements for the placement, location and/or screening of PSCs in the “LC” Limited Commercial and more intensive zoning districts. In the “LC” Limited Commercial zoning district, time and size/cumulative PSC area limitations were also established. Furthermore, the UZC set forth a requirement that PSC owners must notify the Office of Central Inspection (OCI) of any “LC” Limited Commercial zoning district PSC placements within 72 hours of placement, on a form furnished by OCI.

After adoption of the new regulations, OCI and the PSC rental/sales industry worked together quite closely to provide education for providers of PSCs, and to establish approval forms/procedures and enforcement protocols. However, in the spring of 2003, OCI issued citations to PSC providers for failure to properly place PSCs or to submit required approval forms.

Subsequent to issuance of these citations, OCI arranged for additional training and discussions with PSC company operators and personnel at their request. Meetings between OCI and the PSC providers were held

in August and early October. From these meetings have come a number of suggested amendments to the UZC as related to PSC regulations.

Analysis: During recent meetings with staff, the PSC providers have requested several changes to the UZC regulations, including the following:

- Exempting PSCs from location and screening requirements if they are located in areas not visible from residential zoning districts or from residential, collector or arterial streets.
- Eliminating the “temporary” placement requirement from the “LC” zoning district (120-day maximum time allowance with 60 days between placements).
- Increasing the PSC size allowance for businesses in small tenant spaces (currently, the UZC allows businesses in tenant spaces of up to 2,000 square feet to have PSCs up to a 200 square feet of total area). The PSC providers have suggested that this be increased to tenant spaces of up to 3,200 square feet with an allowance for PSCs up to 320 square feet of total area.
- Specifically exempting PSCs that are used temporarily for construction projects from placement/location requirements (such PSCs are currently exempted as a UZC temporary, accessory use, but there is no specific language outlining this exemption).
- Exempting “large” retailers from certain placement, screening and/or PSC cumulative area requirements between the months of September through December.
- Eliminating the requirement for 72-hour notification to OCI of PSC placements in the “LC” Limited Commercial zoning district. However, most of the PSC providers have indicated agreement to be “licensed” by the City in lieu of the 72-hour notification requirement, and as such, subject to licensure review, probation, suspension or revocation for significant failure to comply with PSC regulations.

Attached to this agenda item is a DRAFT of possible changes to the UZC, as well as a DRAFT of new requirements for City licensure of PSC companies. *The UZC amendment DRAFT, prepared by OCI staff, does NOT include any of the requested exemptions for “large” retailers.* This is because staff feels that any such general accessory use or supplementary use regulation for a specific zoning district must be applied equally to all uses allowed within that district. Also, most citizen complaints regarding PSCs have been associated with PSC placements at large retailer sites, where dozens of PSCs have frequently been located without appropriate screening, in the middle of parking lot areas, etc.

Financial Considerations: There would be no financial costs to the City to implement the proposed draft regulations. Any annual licensing fees for the PSC providers will be minimal, but could be used to cover the costs of licensure and on-going enforcement that is presently occurring.

Legal Considerations: None at this time.

Recommendation/Actions: It is recommended that the District Advisory Board accept public input and provide Board comment and/or recommendations on this issue.

Attachments:

***DRAFT UZC Modifications
DRAFT PSC Licensing Regulations***

Proposed UZC Changes for Portable Storage Containers

Art. III-B.14.e. SPECIAL LC DISTRICT REGULATIONS. The following special regulations shall apply to property in the LC district.

- (1) **Large Projects.** Projects in the LC district on sites of six acres or more shall be subject to the community unit plan (CUP) standards of [Sec. III-C.2](#).
- (2) **Outdoor display.** Merchandise which is for sale within a building may be displayed in areas immediately adjacent to and within ten feet of the building, subject to the following standards.

 - (a) No portion of the display shall be on publicly owned property unless the applicant shall first have obtained appropriate approval for such use from the Governing Body.
 - (b) No required off-street parking space or loading area shall be utilized for display.
 - (c) No food or drink shall be displayed outside the building except in accordance with standards and prior written approval of the Wichita-Sedgwick County Health Department; outdoor service of food and drink accessory to the service of food and drink within a building is permitted without limitation as to distance from the building, in accordance with the provisions of [Sec. III-D.6.w](#) of this Code and all other applicable standards and licensing requirements.
 - (d) These provisions shall in no way be deemed to authorize the outdoor display of motor vehicles, rental trailers, rental equipment, used furniture, used appliances, used plumbing, used housewares, used building materials, or similar items, except as such may otherwise be authorized under an appropriate section of the Code.
 - (e) Christmas tree and associated sales may be conducted on property zoned LC even though no building shall exist
- (3) **Outdoor storage.** Storage of merchandise available for sale shall be allowed outside of an enclosed building in the LC district only in compliance with the following standards.

 - (a) **Fence or wall enclosure.** The area used for outdoor storage shall be enclosed by a fence or wall not less than six feet in height nor less than the height of the merchandise to be screened except for outdoor storage within a portable storage container when subject to the special provisions contained herein. The fence or wall shall be comprised of material capable of screening the merchandise from view. One opening, not exceeding ten feet in width, may be left open during business hours, but must be gated and capable of screening merchandise from view when closed. When the material of the enclosure is not of the same general material as the main building, screening as required by [Sec. IV-B.3](#) and landscaping as approved by the Zoning Administrator shall be provided and maintained outside the enclosure. For outdoor storage areas within a CUP the fence or wall screening provisions may be modified provided that a design plan is submitted with the CUP application and such plan is deemed by the Planning Commission to provide an acceptable environment for the surrounding area based on the physical characteristics of the property,

distances from adjacent properties and public streets, and the type of merchandise to be stored.

- (b) **Size of storage area.** The enclosure around the storage area shall be attached to the principal building, and the area within such enclosure shall not exceed ten percent of the floor area occupied by the principal use within the building. Such enclosure shall comply with the same setback as is required for the main building. The area within the enclosure shall be calculated as floor area in determining the number of required off-street parking spaces. Outdoor storage of between ten percent and 20 percent may be allowed upon application and approval of a Conditional Use processed in accordance with [Sec. V-D](#) of these regulations.
- (c) **Conflicting provisions.** The provisions of this section shall not be deemed to prevent the display of merchandise required in the servicing of vehicles when located on service islands at filling stations, nor shall it supersede any of special conditions of approval imposed on development projects, plans or permits.
- (d) **Exemptions.** These outdoor storage requirements shall not apply to holiday tree sales and associated temporary activities.
- (e) **Temporary placement of portable storage containers in LC.** On any zoning lot located in the LC zoning district, one or more portable storage containers may be permitted as accessory storage to the principal use(s) provided the following conditions are met:

~~1) The portable storage container shall be limited to a maximum of no more than 120 days continuous use, with a required separation of 60 days between placements.~~

1) ~~2)~~ The floor area contained in the portable storage container shall be limited to no more than ten percent of the floor area of the principal use and be considered part of the total outdoor storage allowed on any site, except that for principal buildings with less than 3,200 ~~2,000~~ square feet in size, the container may be up to 320 ~~200~~ square feet in size. In buildings with multiple tenants, no single user shall be permitted more than ten percent of the floor area of its use.

2) ~~3)~~ Portable storage containers shall be located at least five feet behind the wall line of the principal building and be subject to screening provisions specified herein.

3) ~~4)~~ Portable storage containers shall be required to meet side and rear setback requirements for buildings; ~~;~~ shall be separated by no more than ten feet from the principal building, except when screened in accordance with the screening standards Article IV.B.3, or when screened from view of a residential zoning district or arterial street by landscaping, berms, or by other non-residential buildings; and shall be located at least 20 feet from any abutting property zoned TF-3 or more restrictive.

4) ~~5)~~ Required screening may consist of the wall(s) of the portable storage container if the container has no openings or signs facing

a public street or adjacent property in a residential zoning district and if the wall(s) match the predominant material and colors of the existing structure or are an earth tone color that complements and appears inconspicuous against the color of the principal building, or other screening materials as permitted in the Code per [Sec. IV-B.3](#).

- 5) ~~6)~~ Signage on portable storage containers shall be limited to one sign per container, not exceeding two square feet. The signage shall not be visible from any abutting street or any adjacent property in a residential zoning district.
- 6) ~~7)~~ Vertical stacking of portable storage container and stacking of any other materials or merchandise on top of any portable storage container shall be prohibited. No running gear shall be left underneath any portable storage container.
- 7) ~~8)~~ No portable storage container shall be placed or located on a required parking space, circulation aisle/lane, or fire access lane.
- 9) ~~Within 72 hours of the placement of any portable storage container, the owner of the container shall notify the Zoning Administrator, on a form furnished for said purpose by the office of the Zoning Administrator, of the location of said container.~~

Exception: Portable storage containers temporarily placed on zoning lots during a period of ongoing construction on the same zoning lot are exempted from the above requirements.

Art. IV-B. SCREENING AND LIGHTING

1. **Purpose.** The screening and lighting standards of this section are intended to protect residential districts from adverse visual impacts associated with nonresidential development.
2. **Applicability.** Screening as required by [Secs. IV-B.3.a](#) and [IV-B.3.b](#) shall be provided as specified in [Sec. IV-B](#) on all properties developed for all uses except single family and duplex when such uses are established on property within, adjoining, or across a street or alley from residential zoning districts, except when separated by a major barrier.
3. **Screening Standards.** Screening may be provided by decorative fencing, evergreen vegetation, or landscaped earth berms. Fences shall be not less than six nor more than eight feet in height except that within 20 feet of street right-of-way, the height shall be reduced to three feet. When evergreen vegetation or landscaped earth berms are proposed for screening, a landscape plan shall be submitted to the Planning Director and the Zoning Administrator for review and approval. Screening shall be provided in accordance with the following standards:
 - a. **Screening along interior side and rear yards.** Screening of nonresidential uses shall be provided along all side or rear lot lines adjoining or across an alley from a residential zoning district, and screening of multifamily and manufactured home park uses shall be provided along all side or rear lot lines adjoining or across an alley from property zoned TF-3 or more

restrictive. Solid screening with fencing or evergreen vegetation may be omitted for multi-family, manufactured home park, office and institutional uses along any side or rear lot line, or portion thereof whenever such development provides at least a 15-foot-wide landscape buffer adjacent to such lot line or portion thereof. The buffer shall provide a minimum of one tree and five shrubs for every 30 lineal feet of adjacent property line or equivalent, with at least one-third of the trees being evergreens, or applicable standards of the City of Wichita Landscape Code if these are more stringent.

b. Screening of mechanical equipment and outdoor work and storage areas.

(1) Nonresidential screening from ground level view. Except along local or collector streets bounded on both sides by the LI or GI district, screening shall be provided on all nonresidential development sufficient to reasonably hide from ground level view all loading docks, trash receptacles, ground level heating, air conditioning and mechanical equipment, free-standing coolers or refrigeration units, outdoor storage including portable storage containers, outdoor work areas or similar uses from any residential zoning district or public street right-of-way located within 150 feet of such uses.

(a) Screening for portable storage containers in the LC district may be satisfied by meeting the requirements in [Sec. III-B.14.e\(3\)\(e\)](#).

(b) Screening for portable storage containers in the GC and more intensive districts may consist of the wall(s) of the portable storage container if the container has no openings or signs facing a public street or adjacent property in a residential zoning district and if the wall(s) match the predominant material and colors of the existing structure or are an earth tone color that complements and appears inconspicuous against the color of the principal building when these conditions are met:

- 1) Located at least five feet behind the wall line of the principal building that faces a street,
- 2) Meet side and rear setback requirements for buildings, are separated by no more than ten feet from the principal building, except when screened from view of a residential zoning district or arterial street by landscaping, earth berms, or by other non-residential buildings, and are located at least 20 feet from any abutting property zoned TF-3 or more restrictive, or

If these conditions are not met, screening shall be provided with a screening wall or fence as required in this section of the Code.

(2) Nonresidential screening from roof-mounted equipment. Except along local or collector streets bounded on both sides by the LI or GI district, roof-mounted heating, air conditioning and

mechanical equipment on new buildings located within 150 feet of a residential zoning district or public street right-of-way shall be either screened from ground level view or set back a minimum of five feet from the top edge of the building wall for every foot in height above the height of the wall.

(3) Trash receptacles in multi-family and manufactured housing district. Screening shall be required for trash receptacles on properties developed for multifamily or manufactured home park uses from any residential zoning district or public street right-of-way located within 150 feet of the receptacle.

- c. **Driveway openings on alleys.** Whenever properties are developed adjacent to an alley, screening may be omitted at driveways deemed essential for ingress and egress from the alley to uses established on the property.
- d. **Use of screening areas.** Landscaped yards required by this section shall not be used for driveways, parking, loading, outdoor storage, outdoor display, work areas, recreational areas, signs or similar uses.
- e. **Materials used in screening walls and fences.** Screening walls and fences shall be constructed of standard building materials customarily used for wall and fence construction such as brick, stone, concrete masonry, stucco, concrete or wood.
- f. **Deferral of screening requirements.** If screening exists on either side of a developing property line that meets or exceeds the standards of this section, additional screening shall not be required. However, if at any time the existing screening fails to meet the requirements of this section, compliance shall be attained by the property owners in the less restrictive zoning district.

Proposed Portable Storage Container Company Licensing Regulations

3.10.010 Title. This chapter shall be known as the “portable storage container contractor licensing ordinance of the City of Wichita, Kansas.”

3.10.020 Purpose. The purpose of the regulations set forth in this chapter shall be to eliminate potential hazards to motorists and pedestrians; to encourage placement of portable storage containers which, by their location and design, are harmonious to the buildings and sites which they occupy, and are in compliance with the requirements of the Wichita-Sedgwick County Unified Zoning Code; to provide an opportunity to achieve a reasonable balance between the outdoor storage needs of businesses and industry while improving and preserving the visual qualities of the community; to provide for the administration of the regulations imposed and set forth herein; and to promote the public health, safety and general welfare.

3.10.030 Applicability. The provisions of this chapter shall apply to the placement, location, erection, relocation, or affixing by use and location of all portable storage containers located out-of-doors. No portable storage container shall be placed, located, erected, relocated, altered, or affixed by use or location that would be contrary to the provisions of this code. The provisions herein contained shall be considered together with the provisions of the Wichita-Sedgwick County Unified Zoning Code.

3.10.040 Definitions.

(a) Portable Storage Container – Any box, container, or barrel which is used to store merchandise and/or equipment outside of an enclosed permanent building or structure, which does not qualify as a building or structure under Title 18 of the Code of the City of Wichita.

An enclosed permanent building or structure means a building or structure that is enclosed by walls as defined in Title 18 of the Code of the City of Wichita.

(b) Portable Storage Container Contractor – Any person or company engaged in the business of renting, leasing or otherwise providing portable storage containers, which involves in whole or part the placement, location, erection, relocation, alteration, or affixing of portable storage containers.

(c) Superintendent of Central Inspection – The Superintendent of Central Inspection for the City of Wichita, Kansas, or his designee.

(d) Unified Zoning Code – The Wichita/Sedgwick County Unified Zoning Code.

3.10.050 License to Engage in Business of Portable Storage Container

Contractor. All persons engaged in the business of selling, renting or otherwise providing portable storage containers, which involves in whole or part the placement, location, erection, relocation, alteration, or affixing of portable storage containers shall be required to obtain a license from the city to conduct such business. This shall be an annual license and the fee shall be one hundred dollars.

Only licensed portable storage container contractors may place, locate, erect, relocate, alter or affix any portable storage container governed by this chapter.

Exception:

Portable storage containers that are owned by the owner of the zoning lot on which the portable storage container is to be placed, or by the owner/operator of the business located on the zoning lot on which the portable storage container is to be located may place, locate, erect, relocate or affix a portable storage container, provided that the container is placed, located, or relocated as otherwise required by this chapter.

3.10.055 Revocation. The building official may, upon his own motion, and may upon the verified complaint in writing of any person, require any portable storage container contractor to appear before the Board of Code Standards and Appeals for hearing upon ten days' notice in writing, and mailed to his last known post office address, and such Board shall have the power to place on probation for a specified time period, temporarily suspend or permanently revoke the license if the holder thereof is found guilty of or commits any one or more of the following acts or omissions:

(a) Willful and deliberate disregard and violation of the provisions of this title or any other ordinance of the City, or failure to comply with any lawful order of the Superintendent of Central Inspection;

(b) Misrepresentations of a material fact by application in obtaining a license;

(c) Repeated failure to place, locate or relocate portable storage containers in accordance with this chapter or the Wichita-Sedgwick County Unified Zoning Code.

Section 3.10.060 Removal of Portable Storage Containers.

(a) The Superintendent of Central Inspection may remove or cause to be removed any abandoned, dangerous, defective, illegal or prohibited portable storage container subject to removal under the provisions of this chapter which has not been removed within the time period specified in this chapter, or any other portable storage container maintained in violation of the provisions of this chapter. The Superintendent of Central Inspection shall prepare a notice which shall describe the portable storage container and specify the violation involved and which shall state that if the portable storage container is not removed or the violation is not corrected within fifteen days, the portable storage container shall be removed in accordance with the provisions of this section.

(b) The notice shall be mailed or given to the owner of the portable storage container, or the occupant of the property upon which the portable storage container is located or their employee or representative, or to the owner of the property on which the portable storage container is located as shows on the records of the register of deeds.

(c) In addition, any portable storage container placed on private property in violation of any provision of this chapter may be removed and impounded by the Superintendent of Central Inspection. The Superintendent of Central Inspection shall prepare a notice and specify the violation involved, which shall state that if the portable storage container is not removed within fifteen days, or the violation not corrected within seventy-two hours, the portable storage container may be impounded. This notice shall be served upon the owner or agent of such portable storage container and where possible, upon the occupant of the property where the portable storage container is located. Such portable storage container shall be retained by the Superintendent of Central Inspection for a period of thirty days, after which it may be disposed of in any manner deemed appropriate by the city. The owner may recover such portable storage container within thirty days upon payment of a service charge of one hundred dollars per portable storage container and payment of all direct city costs associated with its removal and its storage.

(d) Any person having an interest in a portable storage container or the property on which the portable storage container is located may appeal the determination of the Superintendent of Central Inspection ordering removal or compliance by filing a written notice of appeal within ten (10) days of the date of written notice from the Superintendent of Central Inspection.

3.10.070 Cost of portable storage container removal. Any portable storage container removed by the Superintendent of Central Inspection may be disposed of in any manner deemed appropriate by the city. The cost of abatement or removal shall include any and all incidental expenses incurred by the city in connection with the portable storage container abatement or removal. These costs shall be certified to the city clerk, who shall assess the costs as a special assessment against the lot or parcel of land on which the portable storage container was located in the manner provided by law.

3.10.080 Penalty for violation of chapter, rule or order. Any person violating any of the provisions of this chapter or any reasonable rule or order of the Superintendent of Central Inspection, or causing, permitting or suffering the same to be done, is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars.

3.10.090 Severability. If any section or provision of this ordinance is for any reason held illegal, invalid, or unconstitutional, such action shall not affect the remaining provisions of this ordinance that shall remain valid to the extent possible.

**City of Wichita
District V Advisory Board Meeting
January 5, 2004**

TO: City Council Member
District Advisory Board Members

SUBJECT: **Wichita Police Department Professional Standards Bureau**

INITIATED BY: Lt. Michael B. Allred

AGENDA: Staff Presentations

Recommendations: Provide Public Comment

Background: One of the 2003 goals for the Wichita Police Department Professional Standards Bureau is to continue the community education process regarding the role of Professional Standards and the process to file a complaint or compliment. In 2001, then Capt. Zumalt and Lt. Allred attended the District Advisory Board meeting for each of the six districts. The purpose of presenting at those public meetings was to increase community awareness and to hear any suggestions about changes to improve the overall efficiency of the Administrative Internal Investigation process.

Analysis: To meet this goal, the Police Department will present information on the changes that have taken place over the past several years, provide statistical data on the complaints this year and to field any questions or concerns about the complaint process.

Financial Considerations: None

Legal Considerations: None

Recommendation/Actions: It is recommended that the District Advisory Board provide feedback.

STAFF REPORT

DAB V 01/05/04

NOTE: This case was approved by MAPC subject to Protective Overlay #130 (attached) on January 8, 2004.

CASE NUMBER: ZON2003-00059

APPLICANT/AGENT: Neville Family Trust c/o Rita Neville (Owner/Applicant);
Baughman Company, PA c/o Terry Smythe (Agent)

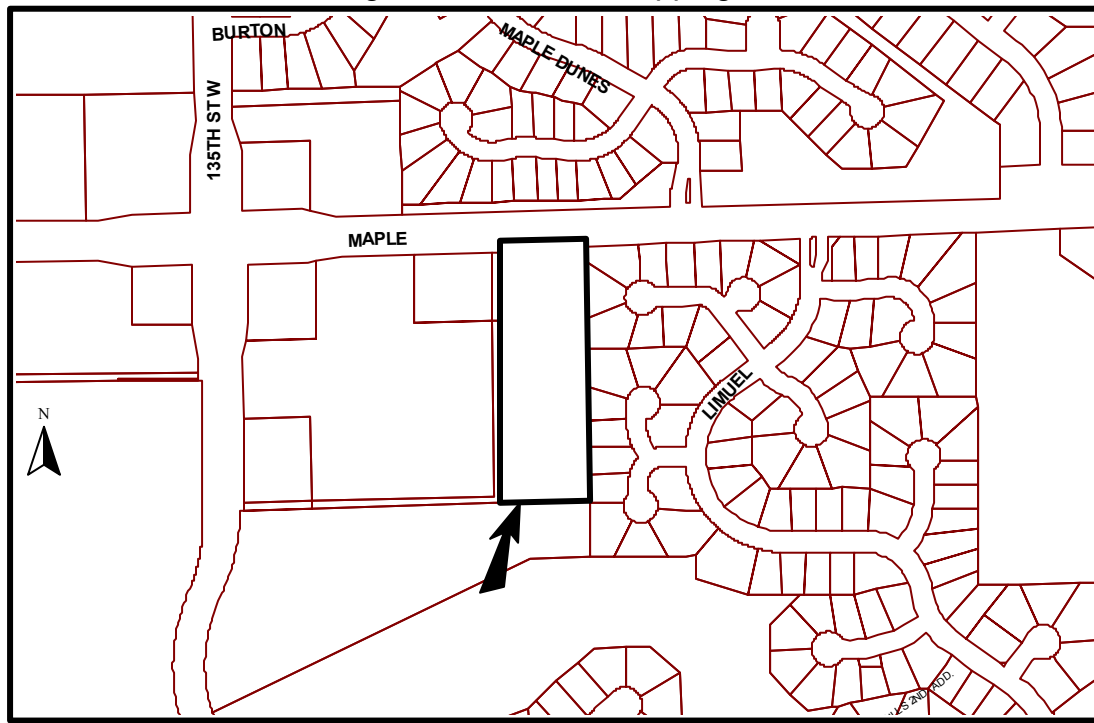
REQUEST: “NR” Neighborhood Retail

CURRENT ZONING: “SF-5” Single-Family Residential

SITE SIZE: 4.6 acres

LOCATION: Approximately ¼ mile east of the Maple Street – 135th Street
West intersection, on the south side of Maple Street

PROPOSED USE: Neighborhood retail shopping



BACKGROUND: The applicant requests a zone change from “SF-5” Single-family Residential to “NR” Neighborhood Retail on 4.6 acres of unplatted, undeveloped land located on the south side of Maple Street, approximately one-fourth mile east of the 135th Street West and Maple Street intersection. The subject site has frontage on Maple Street. The northern approximately one-third of this tract is currently being excavated to create a drainage detention pond. Storm water from both the subject site and the abutting DP-219 Auburn Hills Commercial Community Unit Plan area on the subject site’s west side will go into this drainage detention pond on the subject site’s Maple Street frontage.

The application area is located between an established single-family residential subdivision located to the east, and a developing commercial center, DP-219 Auburn Hills C.U.P., located to the west. Property to the north, across Maple, is zoned “SF-5” Single-family Residential and developed with single-family residences. Property to the northwest is zoned “LC” Limited Commercial and subject to development restrictions, Protective Overlay #17, that limits uses, building signage and access points. The property to the south is undeveloped and zoned “MF-29” Multi-family Residential, and is covered by Protective Overlay #38 that addresses architectural compatibility and density.

This site, along with the other corners of the Maple and 135th Street intersection are covered by the Far West Side Commercial Development Policy which limits this intersection to 24 acres of nonresidential development and indicates that signage should be low, small and monument style, and that there be architectural compatibility within developments and that commercial developments should be compatible with surrounding residential uses. The intersection currently has 28 acres of commercial zoning approved, and has development guidelines that comply with the west side development policy.

CASE HISTORY: The subject site is a 4.6 unplatted tract. The subject site was included in the request for Community Unit Plan DP-219 and the associated zoning case Z-3191, a request for a zoning change of “AA” single-family residential to “LC” Light Commercial for 17.32-acres located on the southeast corner of Maple Street and 135th Street West. DP-219 and Z-3191 were approved by WCC on May 7, 1996, but without the subject site being part of the CUP or zoning change. The creation of the Far West Side Commercial Development Policy was triggered by the DP-219 and the Z-3191 application.

ADJACENT ZONING AND LAND USE:

NORTH:	“SF-5”	Single family residential
	“LC”	not developed
SOUTH:	“MF-29”	not developed
EAST:	“SF-5”	Single family residential
WEST:	“LC”	not developed, developing into a Dillons

PUBLIC SERVICES: The site has frontage along Maple Street. Maple is improved with four lanes, a center turn lane and decel lanes at the intersection of Maple and 135th Street West. East of the intersection Maple is classified as a 4-lane arterial. Current average daily trips (ADT) are 3,096 ADTs east of the intersection, with projected traffic volumes for 2030 were estimated at 6,800 ADTs. However, it is predicted that if the northwest bypass were to be constructed, traffic

volumes would more likely be in the 9,000 to 10,000 ADT range. No improvements are scheduled on the city or county capital improvements program for Maple. Water and sewer are available.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for “Low Density Residential” development. The proposed “NR” Neighborhood Retail zoning would accommodate very low intensity retail and office development and other complementary land uses that serve and are generally appropriate near residential neighborhoods. The proposed “NR” zoning would serve as a transitional zoning district between the existing “LC” zoning to the west and the “SF-5” zoning and its existing single-family development to the east.

The Far West Side Commercial Development Policy, adopted by the City Council in 1996, indicates that the scale of commercial development at the intersection of Maple and 135th Street West should be limited to a total of 24 acres for all four corners and a maximum of 12 acres at any one corner. The Far West Side Commercial Development Policy also recommends that the appearance of commercial development should have certain characteristics in terms of signage, lighting, landscaping, shared internal access and architectural design.

RECOMMENDATION: The subject site was originally a part of the DP-219, Auburn Hills Commercial C.U.P. and Z-3191 application, which triggered the Far West Side Commercial Development Policy. The current application for “NR” zoning on the site fails to address some of the guideline concerns of the policy, especially in its relationship with the approved DP-219 abutting its west side. The approved drainage plan for DP-219 has integrated the subject site’s northern one-third into it by using it for an off-site drainage detention pond to be shared with the subject site. With some more consideration, the possibility of more integration of the two sites would bring both sites closer to realizing the Far West Side Commercial Development Policy guidelines. Issues that need to be addressed include: (a) shared access onto Maple Street between DP-219 and the subject site, (b) consideration of the location, shape and size of the shared drainage detention pond on the subject site’s Maple Street frontage and how this limits the subject site’s location for access location, shared internal access between DP-219 and the subject site to allow vehicular movement between the two sites, and (d) coordination between the two sites screening and landscaping requirements. The recently approved landscaping plan for the Dillon’s being constructed on Parcel 1 of DP-219 shows extensive landscaping between the two sites, with no access between the two. With the subject site’s change in the zoning from “SF-5” to “NR” the need for the CUP’s masonry wall would not be needed; thus other opportunities for shared internal access as well as integrating the design of the two sites. Planning Staff feels the zoning request for “NR” is appropriate for the site if issues of shared access onto Maple, shared internal access, and integrated design can be addressed within the guidelines of the Far West Side Commercial Development Policy and a Protective Overlay. Application of this policy would require dialogue with the owners of DP-219, which Staff has initiated.

Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED, with Protective Overlay #130;

- (1) 35-foot setbacks along the site’s south, north and east sides.
- (2) Monument sign with a maximum sign face of 48 square-feet and a height of 8-feet. No flashing, rotating, moving signs or portable signs. Window display is limited to 25%

of the window area. No signs allowed on the rear or any side facing the residential zoning to the east or the south of the site.

(3) A plan for a pedestrian walk system linking proposed buildings to the sidewalk along Maple and the sidewalks on the abutting eastern DP-219 AUBURN HILLS C.U.P. shall be submitted for review and approval by the Planning Director.

(4) Shared internal access and shared access onto Maple Street with Parcel #4 of DP-219 AUBURN HILLS C.U.P.

(5) All exterior lighting shall be shielded to prevent light disbursement in a southerly or eastern direction. Lighting shall be similar to DP-219 AUBURN HILLS C.U.P. lighting elements, shall be no higher than 14-foot when within 100-feet of abutting residential zoned properties, behind the 35-foot setback along the south and east sides of the property and 20-feet high on the remainder of the site. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.

(6) All utilities installed underground.

(7) Landscaping plan shall show location, type and specifications of all plant material, to be reviewed and approved by the Planning Department. Landscaping shall be calculated at 1.5 times the minimum ordinance requirements along the sides of the site abutting residential zoning and the street side. Parking lot landscaping shall be per the ordinance. Landscaping shall be required prior to the issuance of any occupancy permit.

(8) A 6-foot masonry wall, constructed of similar materials to the masonry wall on DP-219 AUBURN HILLS C.U.P. shall be constructed along the site's east and south sides.

(9) Trash receptacles shall be appropriately screened to hide them from ground view.

(10) Rooftop mechanical equipment shall be screened from ground level view per the Code of Wichita.

(11) All buildings shall share uniform architectural character, color, texture and the same predominate exterior building materials.

(12) 20-foot landscape and wall easement along the south and east sides of the tract

(13) Prohibited uses include group residences, correctional placement residences, group homes, multifamily, asphalt and concrete plant, limited.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property in the neighborhood is zoned either "GO" or "LC" on the four corners of the Maple Street – 135th Street West intersection; all have either a community unit plan overlay or protective overlay on the non-residential zoning. Beyond the intersection, the neighborhood is predominately zoned "SF-5", with the exception of some "MF-29" multi-family residential and some "TF-3" two-family residential zoned property. The character of the neighborhood is that of a developed and developing suburban residential neighborhood that has displaced the prior agricultural uses of the area. These residential areas abut the non-residential zoning at the intersection of Maple and 135th Street West, which is developed or developing with office, medical services and retail.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-5" Single-Family Residential and could be developed as

zoned, although the location and size of the drainage detention pond and the resulting loss of buildable land on the site leaves a small isolated area for single-family residential development.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on residential properties in the area would be minimized by a Protective Overlay, which would address setbacks, screening, access, design, and should limit noise, lighting, and other activity from adversely impacting residential properties. The proposed “NR” zoning could serve as a transitional zoning between the existing undeveloped “LC” zoning west of the subject site and the existing “SF-5” zoning and its single-family residential development east of the subject site.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for “Low Density Residential” development. The proposed “NR” zoning would accommodate very low intensity retail and office development and other complementary land uses that serve and are generally appropriate near residential neighborhoods. There is a lack of application of the Far West Side Commercial Development Policy guidelines to the site. Considering that this site was originally part of the CUP that triggered the Far West Side Commercial Development Policy, it is appropriate to apply those guidelines to this site.
5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.

Conditions of a Protective Overlay.

- (1) 35-foot setbacks along the site's south, north and east sides.
- (2) Monument sign with a maximum sign face of 48 square-feet and a height of 8-feet. No flashing, rotating, moving signs or portable signs. Window display is limited to 25% of the window area. No signs allowed on the rear or any side facing the residential zoning to the east or the south of the site.
- (3) A plan for a pedestrian walk system linking proposed buildings to the sidewalk along Maple and the sidewalks on the abutting eastern DP-219 AUBURN HILLS C.U.P. shall be submitted for review and approval by the Planning Director.
- (4) Shared internal access and shared access onto Maple Street with Parcel #4 of DP-219 AUBURN HILLS C.U.P.
- (5) All exterior lighting shall be shielded to prevent light disbursement in a southerly or eastern direction. Lighting shall be similar to DP-219 AUBURN HILLS C.U.P. lighting elements, shall be no higher than 14-foot when within 100-feet of abutting residential zoned properties, behind the 35-foot setback along the south and east sides of the property and 20-feet high on the remainder of the site. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.
- (6) All utilities installed underground.
- (7) Landscaping plan shall show location, type and specifications of all plant material, to be reviewed and approved by the Planning Department. Landscaping shall be calculated at 1.5 times the minimum ordinance requirements along the sides of the site abutting residential zoning and the street side. Parking lot landscaping shall be per the ordinance. Landscaping shall be required prior to the issuance of any occupancy permit.
- (8) A 6-foot masonry wall, constructed of similar materials to the masonry wall on DP-219 AUBURN HILLS C.U.P. shall be constructed along the site's east and south sides.
- (9) Trash receptacles shall be appropriately screened to hide them from ground view.
- (10) Rooftop mechanical equipment shall be screened from ground level view per the Code of Wichita.
- (11) All buildings shall share uniform architectural character, color, texture and the same predominate exterior building materials.
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- (13) Prohibited uses include group residences, correctional placement residences, group homes, multifamily, asphalt and concrete plant, limited.